

STATE OF COLORADO
**BURN PERMIT
REQUIREMENTS**



4300 Cherry Creek Drive South • Denver, Colorado 80246-1530 • Phone (303) 692-3268 • Fax (303) 782-0278 •

Open burning in the City of Delta must follow all City, County and State regulations. If a burn is not in compliance with ALL regulations, it shall not be allowed.

★ Obtain a Colorado State Permit For Open Burns (when required).

A.) SEE ATTACHED APPLICATION

Website: <http://www.cdphe.state.co.us/ap/downpermitforms/ApplicationOpenBurning.doc>

FAQ's: <http://www.cdphe.state.co.us/ap/openburnfaq.html>

Burning Forecast: http://www.colorado.gov/airquality/burn_forecast.aspx

B.) Division Phone Number: (303) 692-3268 Fax Number: (303) 782-0278

★ Call County Sheriff's Dispatch When Burning Anything

A.) Sheriff's Dispatch at (970) 399-2955

B.) Must advise them when you will start and when you finish (All Fires Must Be Out By Dark)

C.) Must give exact location of where the fire is.

D.) If it is a red or no burn day > **DO NOT BURN**

E.) Red Flag Fire Days Ordinance ~ Website: <http://www.deltacounty.com/DocumentView.asp?DID=62>

★ City of Delta Burning Restrictions: Must meet the burning requirements of City of Delta Municipal Code 8.08 (see attached regulations)



COLORADO OPEN BURNING REQUIREMENTS

What is open burning?

Open burning is the burning of any material or substance, including rubbish, wastepaper, wood, vegetative material or any other flammable material, in the ambient air on any open premises, or on any public street, alley, or other land adjacent to such premises, or in a receptacle where emissions are released directly into the air without passing through a chimney or stack. Generally, anytime you light a fire outdoors, you are open burning.

Who regulates open burning?

In Colorado, open burning may be regulated at both the State and local levels. The Colorado Air Pollution Prevention and Control Act (C.R.S. 25-7-1) grants the State Air Pollution Control Division (Division) authority to issue open burning permits and enforce State open burning regulations. C.R.S. 25-7-128(5) also states that the application, operation, and enforcement of valid local air pollution laws shall be completely independent of the application, operation, and enforcement of State air quality control regulations.

This website focuses on state regulations, however, it is important to remember that local ordinances may apply. Contact your local health department, fire control office, municipality office, or other appropriate agency to determine what local ordinances apply to you.

Why does the State require permits for open burning?

The State of Colorado regulates open burning to help protect public health and the environment in Colorado. Open burning pollutes the air and poses a fire hazard. The air pollution created can cause serious health problems, obscure visibility, soil nearby surfaces, and create annoying odors.

Burning wood and vegetative products produces an array of harmful chemicals. Carbon monoxide, hydrocarbons, formaldehyde, dioxin and hundreds of additional chemicals are released when wood and other products are burned. Burning plastics, tires, chemically treated wood products and other man-made materials also produces air pollution and releases toxic chemicals into the air. Tiny particles, commonly called particulate matter, are created in the burning process and can be inhaled into our lungs.

What are the health concerns associated with open burning?

The air pollutants produced by burning wood and vegetative material can irritate the eyes, nose and lungs and pose a threat to those who suffer from asthma and other respiratory conditions. These pollutants have been linked to several other health problems including nervous system damage, kidney and liver damage, and reproductive and developmental disorders.

Who needs a State permit to burn?

[Colorado Regulation No. 9](#) (Open Burning, Prescribed Fire, and Permitting) requires that no person shall conduct any open burning activity not exempted from state regulations without first obtaining a permit from the Division, or from a local agency authorized by the Division to issue burning permits.

Any business or resident wishing to conduct an open burn must comply with State open burning regulations, in addition to any local ordinances or regulations.

Who does NOT need a State permit to burn?

Unless you meet one of the following exemptions, you must obtain a burn permit from the Division or authorized local agency:

- Non-commercial burning of private household trash in particulate matter attainment areas (unless local ordinances prohibit such burning).
Currently, all areas of Colorado are particulate matter attainment areas. Please note that private household trash is paper, cardboard, and untreated wood products. It is NOT food wastes, plastics, coated or treated wood products, rubber, tree limbs, shrub and garden trimmings, or other vegetation.
- Fires used for noncommercial cooking of food.
- Fires used for instructional, training, or recreational purposes.
- Safety flares used to signal danger.
- Agricultural open burning.
- Non-commercial burning of trash in unincorporated areas of counties of less than 25,000 population. Although exempted burns are not required to obtain a State permit, it is recommended that the appropriate local fire authority and/or health department be notified so that the local agency can be informed of the burn activity and issue a permit if local regulations apply.

What is agricultural open burning?

The burning of cover vegetation for the purpose of preparing the soil for crop production, weed control, maintenance of water conveyance structures related to agricultural operations, and other agricultural cultivation purposes.

Open burning of animal parts or carcasses is NOT agricultural burning (unless the State Agricultural Commission declares a public health emergency that requires the burning of diseased animal carcasses).

Open burning of household trash, wood, and yard debris on agricultural land is NOT agricultural burning and is NOT exempt from State permitting requirements.

What types of open burning are permissible with a permit?

- Burning of yard waste that does NOT include salvageable wood or tree stumps.
- Burning of slash piles.
- Permits for other types of open burning are considered on a case-by-case basis.
*Note: Exempted types of open burning are permissible without a permit.

What types of open burning are prohibited?

- Burning of material that contains food wastes, plastic, coated or treated wood products, rubber, insulation, tires, car bodies, insulated wire, motor oil, aerosol cans, hazardous or toxic materials, or other materials that will produce substantial amounts of smoke and particulates.
- Burning of wood residue, which includes bark, sawdust, slabs, chips, shavings, mill trim, and other wood products derived from wood processing.
- Burning of construction debris (includes both clean and treated wood).
- Burning of buildings or structures for demolition purposes.
- Burning of material for which a practical alternative method of disposal exists.

Permits for some of these materials may be issued on a case-by-case basis.

Who issues State open burning permits?

The Division and authorized local agencies issue State open burning permits. The authorized local agencies in Colorado include:

- Boulder County
- Broomfield County
- Eagle County
- Grand County
- Jefferson County
- Kiowa County
- Lake County
- Larimer County
- Las Animas-Huerfano County
- Mesa County
- Pueblo County
- Routt County
- Summit County
- Weld County

Many cities and counties have adopted local rules and ordinances related to open burning. Any person seeking a State permit for an open burn should also check with any appropriate fire control office, local agency, or other officials regarding specific local requirements for open burns, prior to applying for a State open burning permit.

See [County Contacts](#) for more information about open burning in your county.

What factors does the State consider when issuing a burn permit?

- Whether a practical alternative for the disposal of the material is available.
- The potential contribution of the proposed burn to air pollution.
- The potential impact from the smoke on the health and welfare of the public.
- Location and proximity of the proposed burn to other structures.
- Meteorological conditions on the day of the proposed burn.
- Compliance by the applicant with fire protection and safety requirements.
- Size of the burn. A prescribed fire permit (also issued by the Division) must be obtained for larger open burns. Burns meeting the following size requirements should apply for a State open burning permit; larger burns need a State prescribed fire permit. You can find more information about prescribed fire permits at <http://www.cdphe.state.co.us/ap/smoke/>.
 - Broadcast burns: 10 acres or less of grass OR 5 acres or less of other vegetation
 - Pile Burn: no more than 50 total piles per project (all fires must be out cold prior to sunset).

What are some alternatives to open burning?

In many cases, open burning is not necessary. Please see the list below for some ideas on alternatives to open burning.

- Reduce
 - Look for items with less packaging.
 - Buy items with packaging that can be reused or recycled.
- Reuse
 - Donate old clothing, books, appliances, electronics, furniture, toys and other items to charity.
 - Use your own coffee mug instead of disposable cups.
 - Bring your own reusable bags to the store or reuse plastic bags.
 - Reuse old lumber whenever possible.
 - Use chipped yard waste as landscaping mulch.
- Recycle
 - Many items, including paper products, many plastics, cardboard, aluminum, steel, glass, and electronics, can be recycled. You can find more information about recycling in Colorado, including a statewide recycling guide, at <http://www.colorado-recycles.org/main.html>.
- Compost
 - Yard debris and kitchen scraps can be composted into a nutrient rich substance that can be used as mulch or fertilizer.
 - You can find more information on composting at <http://www.epa.gov/compost/>.
- Disposal at a landfill
 - Items that cannot be reused or recycled should be taken to the landfill. For a list of active solid waste facilities in Colorado, see <http://www.cdphe.state.co.us/hm/lflist.pdf>.
 - You can find information on the disposal of household hazardous waste at <http://www.cdphe.state.co.us/hm/hhw/index.htm>.

What can I do to promote efficient burning and reduce smoke emissions when I must burn?

- Assure that all material is dried to greatest extent practicable.
- Loosely stack or windrow the material to eliminate dirt from the pile and to promote an adequate air supply to the burning pile.
- Build piles that are at least as tall as they are wide.
- Do not include wood larger than six inches in diameter or stumps in the pile. These materials are likely to smolder and produce large amounts of smoke.
- As a pile burns down, move unburned and smoldering material from the perimeter of the pile into the center of the fire.
- Burn on days with moderate winds or during heavy snowfall as this provides the good smoke dispersal.
- Do not ignite material when a thermal inversion is present. Inversions are unlikely to be present after 10:00 a.m.

What happens if I open burn illegally?

The Division has the authority to enforce the State's open burning regulations. Violations can result in substantial penalties

How do I apply for a State open burning permit and what does it cost?

Complete a State Open Burning Permit Application and submit it by email, fax, or mail. There is no charge to obtain a State open burning permit.

Or by calling the Division at: (303) 692-3268

Completed applications can be emailed to:

cdpheAPOpenburning@cdphe.state.co.us

Other Questions?

Contact Eric Roesch at the Air Pollution Control Division.

Air Pollution Control Division
APCD-SSP-B1
4300 Cherry Creek Drive South
Denver, CO 80246

Phone: (303) 692-3268

Fax: (303) 782-0278

[Air Pollution Control Division](#)

Suggestions and comments regarding the Air Quality Control Division can be forwarded to comments.apcd@state.co.us



DATE ISSUED: _____ DATE EXPIRES: _____ PERMIT #: _____

OPEN BURNING PERMIT APPLICATION

APPLICANT NAME: _____ COUNTY OF BURN: _____

MAILING ADDRESS: _____ CITY, ZIP: _____

PHONE: _____ FAX: _____ EMAIL: _____

BURN SITE LOCATION:
(Address & site description
e.g. fence row, ditch) _____

LANDOWNER: _____

BURN SUPERVISOR: _____ PHONE: _____

PROXIMITY TO PUBLIC LANDS: _____

PROXIMITY TO STRUCTURES: _____

PURPOSE OF BURN: _____

TYPE OF DEBRIS TO BE BURNED: _____

TOTAL AMOUNT OF DEBRIS TO BE BURNED: (e.g. tons, acres, number & dimensions of piles, etc.) _____

AUXILLARY FUEL TO BE USED: _____ ALTERNATIVE TO BURNING: _____

PROPOSED STARTING DATE: _____ PROPOSED COMPLETION DATE: _____

TOTAL DAYS, HOURS NEEDED TO COMPLETE BURN: _____

ADDITIONAL REQUESTS AND INFORMATION:
(Elaborate, if needed, on information given above) _____

APPLICANT SIGNATURE: _____ DATE: _____

GRANTING AUTHORITY: _____ DATE: _____



Colorado Department of Public Health and Environment
Air Pollution Control Division

DATE ISSUED: _____ DATE EXPIRES: _____ PERMIT #: _____

The Colorado air pollution control laws and regulations prohibit open burning throughout the State unless a permit has been obtained from the appropriate air pollution control authority. In granting or denying any such permit, the authority shall base its action on the potential contribution to air pollution in the area, climatic conditions on the day or days of such burning, and the authority's satisfaction that there is no practical alternate method for the disposal of the material to be burned.

Complete the application portion of the permit. Submit in its entirety to cdpheAPOpenburning@cdphe.state.co.us or to:

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION APCD-SS-B1
4300 CHERRY CREEK DRIVE SOUTH
DENVER, CO 80246-1530
FAX: (303) 782-0278
PHONE: (303) 692-3268

Attn: Heather Showers

Permit is subject to all standard open burning conditions and any additional conditions listed below:

STANDARD OPEN BURING CONDITIONS:

- This permit shall be retained by the burn supervisor and shall be shown upon request of appropriate officials without delay. All open burning operations shall be subject to inspection by the Air Pollution Control Division and/or the local agency.
- During publicly announced periods of AIR POLLUTION EMERGENCY or ALERT, all permits are suspended in alert areas. In such cases, burning may be conducted only with direct permission from the granting authority. No burning will take place in the carbon monoxide, ozone, and PM10 attainment/maintenance areas from November 1 - March 31. For the Denver ozone attainment/maintenance area plus Weld County, no burning will take place during an "Ozone Action Day Alert" from June 1 - August 31. For more information: <http://apcd.state.co.us/>
- At no time shall the burn be left unattended. Burning shall be supervised by one or more responsible persons depending on the type of burning. Precautions shall be taken to localize the burning and in no way constitute a fire hazard to persons or property within or adjacent to the area of burning. The granting authority and the employees or agents thereof, in the issuing of a permit, do not assume any responsibility or results in damage to the person or property of the permittee, or the person or property of any third person.
- Burning shall be restricted to the item(s) and location identified in the permit.
- Materials will be ignited only between 10:00 a.m. and 2:00 p.m. 'Ignition of material' includes both starting a fire and adding more material to an existing fire. All fires must be completely extinguished no later than sunset.
- This permit is for compliance with air pollution requirements only and is not a permit to violate any existing local laws, rules, regulations, or ordinances regarding fire, zoning, or building.
- The permittee is responsible for obtaining any additional permits and/or clearances from any appropriate fire control office, local agency, or other official *prior* to submission of this permit.
- Permittee will notify the appropriate fire control office on each separate day of his or her intent to burn and the location of the burn.
- The Permittee, permittee's employees, agents, and assignees shall abide by the conditions and restrictions contained herein. Any violations of these same conditions and restrictions shall render this permit null and void.

ORDINANCE
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

ORDINANCE NO. 2007-02

ORDINANCE AUTHORIZING THE IDENTIFICATION OF "RED FLAG" FIRE DAYS; REQUIRING NOTIFICATION TO DELTA COUNTY COMMUNICATIONS BEFORE INITIATING A DITCH, FIELD, OR AGRICULTURAL BURN; AND ESTABLISHING PENALTIES FOR INITIATING A DITCH, FIELD, OR OTHER AGRICULTURAL BURN ON A "RED FLAG" DAY

WHEREAS, the Board of County Commissioners of Delta County has authority, pursuant to C.R.S. 30-15-401(1)(n.5), to ban open fires to a degree and in a manner the Board deems necessary to reduce the danger of wildfires within those portions of the unincorporated areas of Delta County where the danger of grass fires is found to be high; and

WHEREAS, the Board previously has established a process to ban open fires within the unincorporated areas of Delta County, Colorado; and

WHEREAS, the Board finds that those days on which the National Weather Service notifies Delta County Communications of a "Red Flag" are days when the danger of forest or grass fires is found to be high; and

WHEREAS, the Board finds it to be prudent and necessary to establish, in addition to the process to ban open fires, a process to identify "Red Flag" fire days; and to require notification to Delta County Communications before initiating a ditch, field, or other agricultural fire, and to provide penalties for initiating such a fire on a "Red Flag" fire day;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DELTA COUNTY, COLORADO, that:

1. No person shall initiate a ditch, field, or other agricultural fire without first notifying Delta County Communications at (970) 874-2015, on that same day, of the intent to initiate such a fire and its estimated duration.

2. Delta County Communications shall keep a written log of each notification Delta County Communications receives regarding an intent to initiate such a fire. Delta County Communications shall inform, orally, each person making such a notification whether that day is a "Red Flag" fire day, as identified by the National Weather Service, in any part of unincorporated Delta County; Delta County Communications shall note in its log that Delta County Communications has provided such information

3. No person shall initiate in unincorporated Delta County a ditch, field, or any other agricultural fire on a day identified by the National Weather Service as a "Red Flag" fire day in any part of unincorporated Delta County.

4. Any person who initiates in unincorporated Delta County a ditch, field or any other agricultural fire without having first, on the same day, notified Delta County Communications of the intent to initiate such a fire commits a class two (2) petty offense, and, upon conviction thereof, shall be punished by a fine of Fifty Dollars (\$50.00) for the first violation, Two Hundred Fifty Dollars (\$250.00) for the second violation, and One Thousand Dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. 30-15-402. The penalty assessment procedure provided in C.R.S. 16-2-201 is authorized to be followed by any arresting law enforcement officer for any such violation.

5. Any person who initiates in unincorporated Delta County a ditch, field or any other agricultural fire on a day identified by the National Weather Service as a "Red Flag" fire day (and during the period of time which red flag conditions exist) in any part of unincorporated Delta County commits a class two (2) petty offense and, upon conviction thereof, be punished by a fine of two hundred fifty dollars (\$250.00) for the first violation, and one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. 30-15-402. The penalty assessment procedure provided in C.R.S. 16-2-201 is authorized to be followed by any arresting law enforcement officer for any such violation.

6. This Ordinance is necessary for the immediate preservation of public health and safety based on the high danger of forest or grass fires in all of the unincorporated areas of Delta County. This Ordinance takes effect upon its adoption.

Publication and Effective Date. The foregoing text is the authentic text of Delta County Ordinance 2007-02. The first reading of said Ordinance took place on March 26, 2007. It was published in full in the Delta County Independent on March 28, 2007. This Ordinance was approved and adopted as an emergency on second reading on April 16, 2007, and is effective upon adoption.

ADOPTED AND SIGNED this 16th day of April, 2007, at Delta, Colorado.

BOARD OF COUNTY COMMISSIONERS OF
DELTA COUNTY, COLORADO

By: absent
Lela J. McCracken, Chairman

/s/
Wayne E. Wolf, Vice Chair

ATTEST:

/s/
Ann B. Eddins
Delta County Clerk and Recorder

/s/
R. Olen Lund, Commissioner

[SEAL]

Chapter 8.08

BURNING RESTRICTIONS

Sections:

- 8.08.010 Definitions.
- 8.08.020 Open Burning of Materials Generally Prohibited.
- 8.08.030 Burning Activities Allowed Subject to Restrictions

8.08.010 Definitions. The definitions of words and phrases used in this Chapter which pertain to the concept of “open burning” shall reasonably conform with any which may be provided in C.R.S. 25-7-103 and in Colorado Air Quality Control Commission Regulation No. 9.

8.08.020 Open Burning of Materials Generally Prohibited. It shall be unlawful to conduct any form of outdoor or open burning activity anywhere in the City of Delta except as specifically allowed by Section 8.08.030. This general prohibition shall apply whether or not burning is conducted within a receptacle or facility designed for the containment of outdoor fires. It is specifically intended to prohibit the burning of all forms of trash, garbage, refuse and other waste materials including without limitation, all forms of vegetation such as leaves, tree limbs, grass, shrub and garden trimmings, and all forms of manufactured products and materials except food materials being used for, and in the process of, cooking meals for human consumption in the manner specifically allowed under Section 8.08.030A.

8.08.030. Burning Activities Allowed Subject to Restrictions. Notwithstanding any express or implied provision of Section 8.08.020 to the contrary, the following outdoor or open burning activities shall be deemed lawful subject to all specified restrictions and conditions:

A. The outdoor cooking of food in grills, barbeque pits and other containment devices specifically designed for cooking activity, and the use of matches, torches, welding and ignition devices, tobacco products, flares, fireworks, explosives and other products and devices commonly used for domestic, commercial, training and industrial purposes, provided that the pertinent activity otherwise complies with all applicable State laws and regulations.”

B. Open burning on real property of surface brush, weeds and other cover vegetation for purposes of routine ditch and field maintenance and general agricultural purposes on the following conditions:

1. The areas to be burned either consist of an easement area owned and controlled by an incorporated or unincorporated ditch association, or are otherwise located entirely within one or more contiguous lots or parcels of land titled in the name(s) of the same owner(s) and containing one half acre or more in the aggregate.

2. The desired removal of brush, weeds and other cover vegetation cannot be as practically or economically accomplished by means other than burning.

3. Any burning activity is continuously attended by an owner of the easement or property on which the surface burning is to occur, or some properly delegated officer or agent of such owner, who has the ability to control and extinguish the fire through immediately available water sources and other fire suppression tools that are adequate to prevent spread of the fire to man-made improvements and/or to other areas of adjoining land.

4. The owner of the pertinent easement or property observes all applicable provisions, conditions and/or limitations of Department of Public Health and Environment Colorado Air Quality Control

Commission Regulation 9 entitled “Open Burning Prescribed Fire and Permitting”, 5 CCR 1001-11, as amended, and has also first complied with applicable provisions of Delta County Burn Regulations (Ordinance No. 2007-02, as amended) by providing notice of an intent to conduct open burning through the “Burn Hotline” at 399-2955 or any successor phone number maintained for burning notification purposes by Delta County.”